

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAIMARIA BODOR,
individually and on behalf of all others
similarly situated,

Plaintiff,
vs.

MAXIMUS FEDERAL SERVICES, INC.,
Defendant.

CIVIL ACTION

NO. 5:19-cv-05787 (JMG)

**CERTIFICATION OF CARY L. FLITTER IN SUPPORT
OF PLAINTIFF'S MOTION FOR APPROVAL OF ATTORNEY FEES AND
EXPENSES, AND SERVICE AWARD**

I, CARY L. FLITTER, an attorney licensed to practice in this Court, certify the following to be true and correct:

I am an adult individual, a member of the bar of this Court in good standing, and counsel for Plaintiff and the Class in the above-captioned action. This Certification is submitted in support of Plaintiff's Motion for Approval of Attorney Fees and Service Award.

Qualifications of Counsel

1. I am a principal with the law firm of Flitter Milz, P.C. My practice entails a variety of consumer credit and consumer rights matters, both individual and consumer class action, as more fully set forth below.

Bar Admissions

2. I have been admitted to the bar since 1981. I am admitted to practice and in good standing before the United States Supreme Court (1999), the United States Court of Appeals for the Third Circuit (1983), the Fourth Circuit (1990), and the Eighth Circuit (2001); the United States District Court for the Eastern District of Pennsylvania (1981), Middle District of Pennsylvania (1995), Western District of Pennsylvania (2016), District of New Jersey (1981); the Supreme Court

of Pennsylvania (1981), the Supreme Court (App. Div. 3d Dept.) of New York (2017), and the Supreme Court of New Jersey (1981).

Teaching Appointments and Academic Guest Lectures

3.
 - a) Temple University, James E. Beasley School of Law -- Adjunct Faculty, Consumer Law and Litigation, 2009 to 2015;
 - b) Widener University Delaware Law School -- Adjunct Faculty, Consumer Law and Litigation, 1999 to present;
 - c) Philadelphia University -- Adjunct Faculty, Commercial Law (1991 to 1998).
4. I have delivered guest lectures at these academic venues (partial list):
 - a) Harvard Law School, Cambridge, MA, *Consumer Litigation Strategies and the Law of Statutory Attorneys Fees*, March 2007;
 - b) University of Pennsylvania Law School, Philadelphia, PA, Co-Presenter, *Advocacy for Justice in Consumer Matters*, March 2011;
 - c) University of Houston Law Center, Houston, TX, (Symposium for Consumer Law Professors) *Teaching Consumer Law*, May 2008; *View from the Trenches*, Santa Fe, NM, May 2012, May 2014, May 2016, May 2018, May 2022;
 - d) University of Salvador, School of Law, Buenos Aires, Argentina, *Comparative U.S. Consumer Protection Laws*, August 2008;
 - e) University of Utah, SJ Quinney College of Law, *The Law of Deception Under the Fair Debt Collection Practices Act*, March 2009;

- f) Gonzaga University School of Law, Spokane, WA, *Consumer Class Action Fundamentals*, October, 2010; *Consumer Law Strategies and Developments*, February 2010 and March 2011;
- g) University of Maryland, F.K. Carey School of Law, Baltimore, MD, Presenter *Consumer Law Triage*, October 2011; *Debt Buyer Suits*, March 2013.

5. Pennsylvania Conference of State Trial Judges, Annual Judge Training, Hershey, PA, July 2023. Invited by PCSTJ to co-present, with Judge Alan Hertzberg, to all Court of Common Pleas Judges, on Unfair Trade Practices and Consumer Protection Law decisions and developments; Pennsylvania Magisterial District Judges Judicial Training, Harrisburg, PA, 2018-2019, Invited by the Supreme Court of Pennsylvania to present to Pennsylvania's 640 Magisterial District Justices on debtor-creditor developments over 13 sessions.

Education

6. 1976 - Philadelphia College of Textiles & Science (now Jefferson University) - Bachelor of Science in Business, concentration in finance. President, Alumni Board 1990-92. Member, College Board of Trustees, 1990-92. Recipient, Hughes Award for the Advancement of Scholarship, 1997.

1981 - Delaware Law School, Widener University - Juris Doctor; American Jurisprudence Award for Scholarship in Corporations and Partnerships; 1998 Outstanding Service Award for dedication and service to the legal community. Honored as Alumnus of the Year, 2011.

2022 – The Wharton School, University of Pennsylvania Aresty Institute of Executive Education (on-line) *Fintech Revolution: Transformative Financial Services and Strategies.*

Trial Advocacy:

1986 - National Institute for Trial Advocacy - Trial Skills and Methods - University of Pennsylvania;

1990 – National Institute for Trial Advocacy - Federal and State Court Motion Practice - University of Denver.

2009 – Spence Trial Lawyers College, Dubois, Wyoming.

Legislative/Administrative Proceedings

7. -Federal Trade Commission, Division of Financial Practices: Panelist, *Workshop on Debt Collection -- The Role of Creditors.* Washington DC, October 2007 (Testimony cited in FTC Final Report found at <http://www.ftc.gov/bcp/workshops/debtcollection/dcwr.pdf>).

-Federal Trade Commission, Division of Financial Practices: Panelist, *Workshop on Debt Collection: Protecting Consumers.* Washington DC, December 2009.

-Federal Trade Commission, Division of Financial Practices: Panelist, *Workshop-Debt Collection 2.0 Telephone Technologies: Dialing, Talking and Texting in an Age of Enhanced Mobility,* Washington DC, April 2011.

Bar Lectures/CLE Presentations (Past 10 Years)

2023

8. Co-Presenter, *Meet the New E.D. Pa. District Judges*, Montgomery Bar Association, March 2023; Co-Presenter, *Meet the New E.D. Pa. Magistrate Judges*, Montgomery Bar Association, April 2023; Co-presenter, *Statutory Attorney Fees* , National Consumer Law

Center Consumer Rights Conference, Chicago, IL, October 2023.

2022

Presenter, *Updates on Developments Under the Pa. Unfair Trade Practices and Consumer Protection Law*, Legal Aid of Southeastern Pennsylvania, March 2022; ; Presenter, *Consumer Cases in a Post-Ramirez World*, Teaching Consumer Law, University of Houston Center for Consumer Law, Santa Fe, NM, May 2022; Presenter, *Developments in Consumer Leasing*, National Consumer Law Center Consumer Rights Conference, Seattle, WA, November 2022.

2021

Co-Presenter, *Federal Appellate Review*, with Judges Fisher and Rendell, PBA Federal Practice Institute , Villanova Law School, October 2021; Course Co-Planner, *Dispositive Motions in the Current Climate*, National Association of Consumer Advocates Fair Credit Reporting Act Seminar, April 2021; Course Planner and Co-Presenter, *An Hour with the New Third Circuit Judges*, with Judges Phipps, Porter and Matey, Montgomery Bar Association, April 2021; Course Presenter, *Fair Debt Collection Practices Act and Law of Repossession*, Legal Aid of Southeastern Pennsylvania, March 2021; Presenter, *Credit Reporting*, Legal Aid of Southeastern Pennsylvania, March 2021.

2020

Course Co-Planner, *Eastern District of Pa. Civil Practice Update*, with Chief Judge Sánchez, District Judges Kearney, McHugh and Diamond, presented by Montgomery Bar Assn., August 2020; Co-Presenter, *Successful Consumer Law Practice During Covid-19*, National Association of Consumer Advocates Webinar, May 2020; Co-Presenter, *You Should Teach Consumer Law*, National Association of Consumer Advocates Webinar, May 2020.

2019

Co-Presenter, *Debt Collectors' Defensive Strategies Part 2*, and *FDCPA Developments*, National Consumer Law Center, Fair Debt Collection Practices Act Conference, Las Vegas, NV, March 2019.

2018

Presenter, *Pa. Judicial College*, Harrisburg, PA, 2018-2019, Invited to present debtor creditor developments (including auto repossession) to Pennsylvania's 640 Magisterial District Judges; Co-Presenter, with Hon. Stephanos Bibas & Hon. L. Felipe Restrepo, *Third Circuit Practice Tips and Traps*, Montgomery Bar Assn., October 2018; Course Planner and Co-Presenter, *Fair Debt Collection Practices Act Developments*, Montgomery Bar Assn., Norristown, PA, June 2018; Planner and Presenter, *Consumer Law Developments Under the FDCPA and Pa. Unfair Trade Practices and Consumer Protection Law*, Mid-Penn Legal Services, Harrisburg, PA, June 2018; Co-Presenter: *Consumer Law from the Trenches*, Bi-Annual Symposium Teaching Consumer Law, Sponsored by University of Houston Center for Consumer Law, Santa Fe, NM, May 2018.

2017

Co-Presenter, *Successfully Litigating Auto Cases Under the Consumer Leasing Act*, National Consumer Law Center Annual Litigation Conf., Washington, DC, November, 2017; Presenter: *Overview of State and Federal Restraints on Debt Collection*, Part of *Representing the*

Pro Bono Client: Consumer Law Basics 2017, Practicing Law Institute, San Francisco, CA, June 2017.

2016

Co-Presenter, *Consumer Law Practice Tips*, National Consumer Law Center Annual Litigation Conference, Anaheim, CA, October 2016; Planner and co-presenter, *Appellate Advocacy in the 3d Circuit*, with Hon. Cheryl Krause and Hon. Marcia Waldron, Montgomery Bar Assoc., March 2016; Co-Presenter, *Doing Well While Doing Good: A Practice Makeover*, National Consumer Law Center, Fair Debt Collection Practices Act Conference, Miami, FL, March 2016.

2015

Co-Presenter, *Police Liability and Breach of the Peace in Vehicle Repossessions*, National Consumer Law Center Annual Litigation Conference, San Antonio, TX, November, 2015; Co-Presenter, *Fair Debt Developments in the Federal Courts of Appeal*, National Consumer Law Center Annual Fair Debt Conference, Washington, DC, March 2015.

2014

Presenter, *Fair Credit Reporting and Fair Debt Collection Update*, Bucks County Bar Association, Dec. 2014; Presenter, *Consumer Protection Litigation for the Bankruptcy Petitioner*, PBI 19th Annual Bankruptcy Institute, Philadelphia, PA, October, 2014; Course Planner and Presenter, *Consumer Law for the Pro Bono Practitioner*, Berks County Bar Association, Reading, PA, October, 2014; Course Planner and Presenter, *Credit Reporting, Fair Debt Collection and Repossession – Identifying Consumer Law Claims*, Lycoming Law Association, Williamsport, PA, September 2014; Course Planner and Presenter, *Consumer Law for the Bankruptcy Practitioner*, Reading, PA, September, 2014; Course Planner and Presenter, *Consumer Law Claims in*

Bankruptcy, Eastern District Bankruptcy Conference CLE, Philadelphia, PA, June 2014; Presenter, *Consumer Law for the Legal Aid Lawyer*, Portland, ME, February 2014.

2013

Panelist; *Communication With Your Class Representative*, National Association of Consumer Advocates Class Action Symposium, Washington, DC, November 2013; Presenter, *Collection of Judgments and Consumer Law Pitfalls*, Montgomery County Bar Association, Norristown, PA, October 2013; Panelist, *Consumer Debt Collection Perspectives*, National Association of Retail Collection Attorneys Annual Conference, George Washington University Law School, Washington, DC, October 2013; Co-Presenter, *Fair Debt Collection Practices Act, Ask the Experts*, National Consumer Law Center Annual Fair Debt Conference, Baltimore, MD, March 2013; Co-Presenter, *Anatomy of a Debt Buyer Case*, University of Maryland School of Law, Baltimore, MD, March 2013.

Publications

9. Contributing author, *Pennsylvania Consumer Law* by Carolyn Carter, Bisel Publishing Co., 2003, Supp. 2023. This is the leading legal treatise in Pennsylvania on consumer law issues. I contribute to the chapters and updates on vehicle repossession and statutory attorneys fees.

10. Contributor, *Consumer Class Actions*, 5th Ed., National Consumer Law Center, Boston, MA.

11. Editorial Advisor and Contributor, *Consumer Financial Services Law Report*, West Publishing, 2007 to 2015.

Quoted/Featured/Contributed

12. Philadelphia Inquirer – *Banning Cashless Stores: A Little Legal Research May Have Saved Philly's City Council a Lot of Trouble*. February 16, 2019; Philadelphia Inquirer – *A Victory in the Fight Against Robocalls*, October 20, 2013; Fox Business.com – *Damaged Credit: Can you Sue?*, April 5, 2013; Fox Business.com – *Has Your Credit Report Been Viewed Illegally?*, March 8, 2013; Allentown Morning Call – *Court Tosses Debt Collector's Suit*, February 21, 2011; NBC10 TV News - *Fight Back Against Abusive Debt Collectors*, Tracey Davidson segment, March 31, 2009; Fox29 TV News - *Local Pay Day Lender Dumping Financial Documents*, January 2009; New York Times - *Citing 15 Year Delay, Suit Seeks Action on Rebuilt Wrecks* - Feb. 10, 2008 (automobiles); Fox29 TV News - 2007; Time Magazine – *Sue Up or Shut Up!* – October 19, 2006 - www.time.com/time/nation/printout/0,8816,1548158,00.html; Consumer Financial Services Law Report – *A Dunning Letter that Could Propose Legal Action may Violate FDCPA* – October 18, 2006; ABA Journal EReport – *Coulda Woulda Shouldn'ta Debt Collectors Who Warn They Could (But Don't) Sue May Run Afoul of Debt Act* – October 18, 2006 - www.abanet.org/journal/ereport/oc13debt.html; Fox 29 TV News Consumer Alert: *Local Car Dealership Customers Victimized by ID Theft* – August 2006; Consumer Financial Services Law Report, *Do the Math: FDCPA Class Action Award Depends on Statutory Language* – August 2006; NBC10 TV News Consumer Alert - *Legal Redress for Fraudulent Sales* – April 11, 2006.

Bar Association Appointments/Honors

13. 2000-2010, 2012, 2015-2023 Chair or Co-Chair of the Federal Courts Committee of the Montgomery Bar Association. In that capacity, I assist in liaison projects between the County Bar and the Eastern District (of Pa.) bench and Third Circuit bench, and events and visits by our judges and planning and presentation of CLE program(s) on federal practice developments.

Organizer, Western District of Pennsylvania swearing-in, Norristown, PA with Hon. Mark A. Kearney, 2017; Western, Middle and Eastern District of Pennsylvania (first-ever) Joint Admission Ceremony, Allentown, PA with Judges Kearney, Leeson and Mannion, 2019. We were honored with Committee of the Year Award (2000) by the president of the Montgomery Bar Association. From 2006 to 2009, I served as a director of the Montgomery Bar Association.

14. Appointed to the Local Rules Advisory Committee, charged with reviewing and recommending to the bench proposed Amendments to the Eastern District of Pennsylvania local civil rules. 2022-23.

15. I was appointed by (then) Chief Judge Tucker to the E.D. Pa. Magistrate Judge Retention Panel, 2016; I was appointed by (then) Chief Judge Bartle to the E.D. Pa. Magistrate Judge Selection Panel, 2006; I was appointed by (then) Chief Judge Giles to the E.D. Pa. Magistrate Judge Retention Panel, 2003-04.

16. In 2010, I was appointed to the Pennsylvania Bar Association's standing Uniform Commercial Code Task Force, charged with consideration and drafting of proposed amendments to Article 9.

17. I was honored to receive the Jeffrey A. Ernico Award for Support of Legal Services to the Public from the President of the Pennsylvania Bar Association in October of 2006.

18. I was honored to receive the Pennsylvania Bar Association Attorney *Pro Bono* Award from the President-Elect of the Pennsylvania Bar Association in November 2011 for services to legal aid organizations throughout Pennsylvania.

19. I was honored to receive the Widener University - Delaware Law School Alumnus of the Year Award for 2011.

20. I was honored to receive the 2013 Pa. Legal Aid Network PLAN Excellence Award for service to legal aid organizations throughout Pennsylvania.

21. I was honored to receive in 2013 the Montgomery Bar Association's Henry Stuckert Miller Public Service Award for leadership and service to the community.

22. I was honored to receive in 2014 the Consumer Lawyer of the Year Award from National Association of Consumer Advocates.

23. I was honored to receive in 2017 the Montgomery Bar Association President's Award for continued support for Legal Aid and Access to Justice.

24. I was honored to have Flitter Milz, P.C. receive in 2022 the Community Legal Services of Philadelphia Equal Justice Award for our work with CLS on behalf of low income consumers.

Recent Representative Cases

25. There are well over 100 reported federal and state decisions in which I was lead or co-lead counsel, available on Westlaw and Lexis. Significant recent cases include:

Lane v. Ardent Credit Union, Feb. Term, 2020, No. 00450 (Pa. CCP Phila Co. Dec. 2, 2022) (UCC notice class case; certified on contest);

Norman v. Trans Union, LLC, 479 F. Supp. 3d 98 (E.D. Pa. Aug. 14, 2020), *pet. for permission to appeal denied*, No. 20-8033, 2020 WL 6393900 (3d Cir. Sept. 15, 2020)(certifying class of over 200,000 consumers challenging failure to investigate disputes under Fair Credit Reporting Act)

Schultz v. Midland Credit Mgmt., Inc., No. 16-4415, 2020 WL 3026531 (D.N.J. June 5, 2020) (certifying class on contest under Fair Debt Collection Practices Act) on remand from Court of Appeals, 905 F.3d 159 (3d Cir. 2018) (case later dismissed and refiled for standing).

Mccalvin, et al. v. Condor Holdco Securitization Trust, et al., U.S.D.C. E.D. Pa. No. 17-1350 (Final judgment and order of dismissal dated Nov. 6, 2018) (class settlement challenging repossession practices)

Homer v. Law Offices of Frederic I. Weinberg & Assocs., P.C., No. 17-880, 2018 WL 2239556, at *2 n.14 (E.D. Pa. May 16, 2018) (FDCPA case, approving counsel fees and finding Flitter to be an “experienced consumer litigation attorney”)

Daniels v. Hollister Co., N.J. Super. Ct. Ocean Co. No. OCN-L-2310-12 (certification order dated Feb. 6, 2014), *aff’d* 440 N.J. Super. 359 (App. Div. 2015) (class action for redress for voided gift cards certified on contest; affirmed on interlocutory appeal, finding no “ascertainability” requirement in R. 4:32-1)

Cubler v. Trumark Fin. Cr. Un., 83 A.3d 235 (Pa. Super. Ct. 2013) (First impression holding UCC Article 9 statutory damages to be compensatory, not penal, and subject to 6 year statute of limitation).

Rodriguez v. Fulton Bank, 108 A.3d 100, 2014 WL 10789953 (Pa. Super. Ct. 2014) (UCC repo class action; denial of arbitration affirmed); *appeal denied*, 631 Pa. 730 (2015)

Douglass v. Convergent Outsourcing, 765 F.3d 299 (3d Cir. 2014) (First impression, holding that a collector’s disclosure of consumer’s account number on an envelope violates FDCPA’s privacy protections)

Gager v. Dell Fin. Serv., 727 F.3d 265 (3d. Cir. 2013)(First impression holding that consumers have the right to halt creditor calls and texts to their mobile device under Telephone Consumer Protection Act)

Jackson v. Midland Funding, LLC, 468 Fed. Appx. 123 (3d Cir. 2012) (New Jersey’s entire controversy doctrine does not preclude FDCPA suit against a debt collector after conclusion of Special Civil Part collection action)

Cappuccio v. Prime Capital Funding, LLC, 649 F.3d 180 (3d Cir. 2011)(predatory mortgage fraud case under Truth-in-Lending Act and, at trial level, under Equal Credit Opportunity Act; holding in first impression that borrower’s testimony alone sufficient to rebut presumption of delivery of material disclosures)

Rosenau v. Unifund, 539 F.3d 218 (3d Cir. 2008) (FDCPA case, successful challenge to phony “Legal Dept.”); settlement class approved on remand at 646 F. Supp. 2d 743 (E.D. Pa. 2009).

Brown v. Card Service Center, 464 F.3d 450 (3d Cir. 2006) (First Impression, Court adopts FTC standard for deception, finds false suggestion of possible suit as deceptive under Fair Debt Collection Practices Act).

Cosgrove v. Citizens Auto Finance, 2011 WL 3740809, (E.D. Pa. Aug. 26, 2011) (granting final approval to repossession practices/Article 9 class settlement valued at over \$10 million while finding that class counsel (Flitter and firm) “consistently presented excellent work to the Court.”)

McGee v. Continental Tire, 2007 WL 2462624 (D.N.J. Aug. 27, 2007) (Federal Jurisdiction over Magnuson-Moss Warranty Claims) *final class approval at* 2009 WL 539893 (DNJ, March 4, 2009)(\$8M class settlement to purchasers of defective tires)

Watson v. NCO Group, 462 F.Supp.2d 641 (E.D. Pa. 2006) (In case of first impression, holding Robot Collection Calls to non-debtor consumer prohibited by Telephone Consumer Protection Act, not Exempted by FCC Regulation)

Ciccarone v B.J. Marchese, Inc., 2004 WL 2966932 (E.D.Pa. Dec. 22, 2004) (final approval to \$2.45M settlement in Identity Theft class action under Fair Credit Reporting Act)

McCall v. Drive Fin. Servcs., 2009 WL 8712847 (Phila. C.C.P. Apr. 10, 2009) (certification on contest of statewide Pennsylvania class for improper vehicle repossession practices).

Hartt v. Flagship Credit Corp., 2010 WL 2736959 (E.D. Pa. July 8, 2010) (retaining UCC repossession class case of Texas consumers against Pennsylvania lending institution; later approving classwide settlement of \$2.5 million in cash, \$11.28 million in debt forgiveness plus equitable relief).

Appointment(s) as Class Counsel

26. I have been approved as Class Counsel or co-counsel in the following cases (partial list):

- (a) *Lane v. Ardent Credit Union*, Feb. Term, 2020, No. 00450 (Pa. CCP Phila Co. Dec. 2, 2022) (UCC notice class case; certified on contest);
- (b) *Mwangi v. Service 1st Fed. Credit Union*, Luzerne Co. Pa. CCP, No. 2019-792 (Order Certifying Settlement Class, dated July 16, 2021; UCC repossession notice case);
- (c) *Norman v. Trans Union, LLC*, 479 F. Supp. 3d 98 (E.D. Pa. Aug. 14, 2020);
pet. for permission to appeal denied, No. 20-8033, 2020 WL 6393900 (3d Cir. Sept. 15, 2020) (certifying class on contest) (Fair Credit Reporting Act case);
- (d) *Eastman v. TD Bank, N.A.*, NJ Super. No. OCN-L-002588-17 (order of final approval of class settlement dated Sept. 13, 2019) (UCC repossession notice case);
- (e) *Good v. Nationwide*, 314 F.R.D. 141 (E.D. Pa. 2016) (FDCPA case);

(f) *Saxe v. First National Bank*, Lackawanna Co. CCP No. 13-4438 (Final Approval dated May 31, 2017) (Repossession/Article 9 case);

(g) *Harlan v. Transworld Systems, Inc.*, 302 F.R.D. 319 (E.D. Pa 2014) (FDCPA class case, preliminary, then final approval) (GP);

(h) *Durr v. Rochester Credit Center, Inc.*, 2012 WL 2130953 (E.D. Pa. June 5, 2012) (class settlement approved Mar. 5, 2013) (FDCPA class case) (EL);

(i) *Cosgrove v. Citizens Auto. Fin.*, 2011 WL 3740809 (E.D. Pa. Aug. 25, 2011) (approval of class settlement in defective repossession notice case under Pa. UCC) (BMS);

(j) *Hartt v. Flagship Credit Corp.*, U.S.D.C. E.D. Pa. No. 10-cv-0822 (Final judgment and order of dismissal dated Apr. 5, 2011) (class settlement of defective repo notice case under Texas law);

(k) *McCall v. Drive Fin. Servs.*, 236 F.R.D. 246 (E.D. Pa. 2006) (certifying FDCPA class on contest, appointing Flitter firm as Class Co-Counsel);

(l) *Rosenau v. Unifund*, 646 F.Supp.2d 743 (E.D. Pa. 2009) (class approval after remand from Court of Appeals, 539 F.3d 218) (3d Cir. 2008) (consumer credit case);

(m) *McCall v. Drive Fin.*, 2009 WL 8712847 (Phila. CCP Apr. 10, 2009)(certifying UCC repo-notice class on contest);

(n) *McGee v. Continental Tire*, U.S.D.C. DNJ 2:06-cv-6234(GEB) *final class approval at* 2009 WL 539893 (D.N.J. March 4, 2009)(Magnuson Moss Warranty Act class case);

(o) *Davis v. Riddle*, U.S.D.C. E.D. Pa. 07-cv-0284 (LLD), 2008 WL 4388001 (E.D. Pa. Sept. 22, 2008) (FDCPA class action);

(p) *Weinstock v. Inovision*, U.S.D.C. E.D. Pa. No. 05-cv-6392(LLD) (Final Approval June 13, 2007, Doc. 54)(FDCPA Class Action);

(q) *Pozzuolo v. NCO*, U.S.D.C. E.D. Pa. No. 07-cv-1295(PBT) (Final Approval Oct. 6, 2008, Doc. No. 41)(FDCPA class action);

(r) *Rosenberg v. Academy Collection*, U.S.D.C. E.D. Pa. No. 04-cv-5585 (JP) (Mar. 31, 2006) (FDCPA class, certified then settled);

(s) *Ciccarone v. B.J. Marchese, Inc.*, 2004 U.S. Dist. Lexis 26489 (E.D. Pa. Dec. 14, 2004) (Identity theft class action under Fair Credit Reporting Act, certified, later settled) (“Counsel for plaintiffs are commercial litigation attorneys from two different law firms with substantial experience in prosecuting and managing class actions. They are competent, well-qualified and conducted the litigation with forthrightness and vigor.”).

27. I have represented defendant(s) in class actions in the following cases (partial list)

(a) *Black v. The Premier Co.*, U.S.D.C. E.D. Pa. 01-cv-4317 (JMK) 2002 U.S. Dist. Lexis 17165 (Title VII employment action; class certification refused)

(b) *McKowan Lowe & Co. Ltd v. Jasmine Ltd.*, U.S.D.C. D.N.J. 96-cv-2318 (JR) (securities fraud claim; class certification refused), Later proceeding at *McKowan Lowe & Co. v. Jasmine Ltd.*, 295 F.3d 380 (3rd Cir. 2002) (order vacated and remanded, class certified).

28. ***Counsel's experience in handling class actions, other complex litigation, and claims of the types asserted in the action:*** I have handled in the practice of law hundreds of cases arising under the various consumer protection laws, both in this jurisdiction and elsewhere. I have been appointed class counsel or co-counsel in dozens of class cases. To avoid duplication, I refer to paragraphs 25 and 26 above. Additionally, I have, in the course of 42 years in practice, handled a variety of complex litigation cases. These cases arose in a wide variety of commercial contexts, including consumer credit litigation and FDCPA statutes, UCC and repossession cases, unfair competition, trade cases, securities cases, civil rights, employment litigation, and other matters. I

have tried at least twenty (20) civil jury cases to verdict in consumer, commercial, civil rights, contract and other civil matters in Pennsylvania and elsewhere.

29. *Counsel's knowledge of the applicable law:* I believe I can fairly say that I possess a thorough and in-depth knowledge of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* I have lectured on Consumer Law matters including FDCPA for over twenty (20) years, and have lectured in over fifty (50) venues and sessions throughout the United States. These have, in the main, been CLE trainings provided for lawyers at various state and local bar associations. I have also presented at many regional and national conferences sponsored by the American Bar Association (“ABA”), The Practicing Law Institute, (“PLI”) The National Consumer Law Center (“NCLC”), the Pennsylvania Bar Institute (“PBI”) and other professional organizations. Occasionally, I have lectured for lay or educational groups, or to symposia of other law professors.

I have taught the fair debt collection and class action in my Consumer Law and Litigation class at Widener University – Delaware Law School and at Temple University Beasley School of Law. I have also gained knowledge from our previous handling of dozens of consumer class action cases.

Since 1999, I have served on the adjunct faculty of Widener University – Delaware Law School in Wilmington, DE where I teach Consumer Law and Litigation in the curriculum which I

formulated there. In 2009, I was appointed to the adjunct faculty at Temple University's Beasley School of Law, where I taught the course in Consumer Law and Litigation until 2015.

I am a contributing author to *Pennsylvania Consumer Law* by Carter, Geo. Bisel Publishing Co., the leading treatise in Pennsylvania on consumer law issues. I am a contributor to *Consumer Class Actions, 5th Ed.*, published by the National Consumer Law Center, Boston, Massachusetts.

30. ***Class Counsel's Time and Resources.*** My firm undertook and has handled this action as co-counsel on an entirely contingent fee basis. We invested our professional time, to the exclusion of other matters, and incurred substantial expenses in prosecuting this action without any assurance of being compensated for our efforts. My firm has not been paid or reimbursed any amount since inception of this lawsuit in December of 2019.

The firm has incurred approximately \$1,190 in litigation expenses. These expenses reflect costs for filing fees, document copying, bulk postage, legal research, travel expenses, and other small miscellaneous expenses. These expenses were necessary to Class Counsel's success in achieving the settlement in seeking court approval, they were reasonable and appropriately incurred.

The firm has expended over 225 hours in aggregate time so far prosecuting this case on behalf of the Class. The prosecution of this case was a collaborative effort. Class Counsel consistently worked together in strategy conferences to develop litigation strategy throughout the case. Below is a summary of the time expended by the lawyers and paralegals at my firm as of February 2023:

Litigation Categories	Dates of Service	Contributing Staff	Billing Rate	Time Spent (0.1 increments)	Fees Total
Drafting & Serving the Complaint	12/2019-2/2020	Cary L. Flitter	830	5.60	\$4,648
		Jody Lopez-Jacobs	360	2.40	\$864
		Joan M. Raughley	220	3.00	\$660
Answer	Mar-20	Cary L. Flitter	830	0.20	\$166
		Joan M. Raughley	220	0.60	\$132

Discovery- Phase 1A	3/2020-12/2020	Cary L. Flitter	830	17.80	\$14,774
		Jody Lopez-Jacobs	360	8.30	\$2,988
		Joan M. Raughley	220	5.30	\$1,166
Amended Complaint	May-20	Cary L. Flitter	830	1.70	\$1,411
		Joan M. Raughley	220	1.50	\$330
Bodor Deposition	Sep-20	Cary L. Flitter	830	2.10	\$1,743
		Jody Lopez-Jacobs	360	10.20	\$3,672
30(b)(6) Smith Depo(1)	Jan-21	Cary L. Flitter	830	0.30	\$249
		Jody Lopez-Jacobs	360	0.20	\$72
Motion for Summary Judgment/Motion to Stay Discovery/Motion to Unseal	1/2021-3/2021	Cary L. Flitter	830	2.40	\$1,992
		Jody Lopez-Jacobs	360	57.00	\$20,520
		Joan M. Raughley	220	7.80	\$1,716
Denial of Motion for Summary Judgment/Unsealing of Record/Scheduling Order	10/2021-12/2021	Cary L. Flitter	830	0.30	\$249
		Jody Lopez-Jacobs	360	14.20	\$5,112
		Joan M. Raughley	220	1.60	\$352
Class definition negotiations	Nov-21	Jody Lopez-Jacobs	360	0.9	\$324
Discovery-Phase 1B	12/2021-6/2022	Ann Guenesso	220	2.00	\$440
		Jody Lopez-Jacobs	360	29.70	\$10,692
		Joan M. Raughley	220	0.80	\$176
Class Cert Prep	Jan-22	Jody Lopez-Jacobs	360	5.00	\$1,800
30(b)(6) Smith Depo(2)	1/2022-4/2022	Cary L. Flitter	830	0.20	\$166
		Jody Lopez-Jacobs	360	14.30	\$5,148
		Joan M. Raughley	220	0.50	\$110
Revised Class definition negotiations	4/2022-5/2022	Jody Lopez-Jacobs	360	7.30	\$2,628
Settlement Negotiations and Mediation Class Recovery	6/2022-10/2022	Cary L. Flitter	830	1.00	\$830

		Jody Lopez-Jacobs	360	12.40	\$4,464
		Joan M. Raughley	220	1.00	\$220
Attorney Admissions & Withdrawals	throughout case	Cary L. Flitter	830	0.90	\$747
		Jody Lopez-Jacobs	360	0.80	\$288
		Joan M. Raughley	220	5.10	\$1,122
Settlement Negotiations and Mediation Attorney Fees	11/2022-Present	Cary L. Flitter	830	0.80	\$664
		Jody Lopez-Jacobs	360	4.70	\$1,692
			Total	229.9	\$94,330

The above table does not reflect time expended after the February 2023 mediation. Nor does it include time for finalizing the instant briefing, preparing for and attending the final fairness hearing, or post-settlement compliance and Class Member issues. Post-approval time can reasonably be expected. If recent experience is any indication of the post-approval work to follow in this case, Class Counsel can expect to deal with future phone calls and letters from Class Members, their family or lawyers related to: nonreceipt of—or incorrectly made-out—checks, co-borrower/co-payee issues, checks to the estates of deceased Class Members, and the like.

Market Rate.

31. \$870.00/hour represents my billing rate for 2023. Since I had very little time in this case in 2023, we are utilizing my 2022 rate of \$830/hour. Both are a fair and reasonable market rate for an attorney with similar credentials and experience in the Philadelphia market area. My 2019 hourly rate of \$725 was approved by Judge McHugh in *Earley v. JMK Assoc.*, 2020 WL 1875535 (E.D. Pa. April 15, 2020) (contested) and by Judge Gibson in *Hyman v. Devlin*, No. 3:17-89, 2019 WL 2271113, at *9 (W.D. Pa. May 28, 2019)(contested). My 2019 rate was also approved by Judge Leeson in *Huffman v. Prudential Ins. Co. of Am.*, No. 2:10-05135, 2019 WL 1499475, at *8 (E.D. Pa. Apr. 5, 2019) (lodestar cross-check). My 2018 rate of \$705.00/hr. was approved by Judge Savage

in *McCalvin v. Condor Holdco Securitization Tr.*, 2018 WL 5816779 (E.D. Pa. Nov. 6, 2018) (“Given the nature of the services provided, Class Counsel’s experience in consumer class action cases and the rates of other lawyers in the community with similar skills and experience, Class Counsel’s hourly rate is reasonable.”) (lodestar cross-check).

32. Jody T. López-Jacobs has been my associate since September 2017. Mr. López-Jacobs is a 2015 graduate of Temple University Beasley School of Law, in the top 10% of the class with *magna cum laude* honors. Based on his academic performance, he was invited to join the Order of the Coif, a national honorary scholastic society, and served as an editor of the Temple Law Review. After graduation, Mr. Lopez-Jacobs served as a law clerk to Hon. Mark A. Kearney of this district from 2016-2017. Mr. López-Jacobs’s billing rate for 2023 is \$360/hour. This represents a fair and quite reasonable market rate for an attorney of Mr. López-Jacobs’ experience and credentials and the rate the firm typically charges and receives in 2023 for his services.

33. Paralegal Joan Raughley is a senior paralegal at the firm who has more than 40 years of experience as a litigation assistant. The firm bills Ms. Raughley’s time at \$230.00/hour, a fair and reasonable market rate in the Eastern District. This rate was approved by Judge Savage based on an application seeking her 2017 hourly rate. *Homer*, 2018 WL 2239556 at *4. Ms. Raughley’s then rate of \$180.00 was approved in 2015 by Judge Caputo in *Richards v. Client Servs. Inc.*, 2015 WL 5836274 (M.D. Pa. Oct. 5, 2015), Judge Sánchez in *Vidra-Miller*, U.S.D.C. E.D. Pa. Doc. No. 13-01847 (Final Judgment and Order of Dismissal dated Sept. 23, 2015) and Judge Slomsky in *Douglass*, U.S.D.C. E.D. Pa. Doc. No. 12-1524 (Final Judgment and Order of Dismissal dated June 12, 2015), on remand from Court of Appeals, *Douglass v. Convergent Outsourcing*, 765 F.3d 299 (3d Cir. 2014). The time spent by Ms. Raughley was reasonable and necessary for an effective

prosecution of the case. Ms. Raughley electronically filed documents with the court, helped manage the digital files, organized exhibits, and performed other necessary paralegal tasks.

34. Paralegal Ann Guenesso is a paralegal at the firm who has more than 30 years of legal experience. The firm bills Ms. Guenesso's time at \$230.00/hour, a fair and reasonable market rate in the Eastern District.

I certify under penalty of perjury that the foregoing is true and correct.

Date: 11/20/2023

/s/ Cary L. Flitter
CARY L. FLITTER